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Amdt. dated October 24, 2008
Reply to Office Action of March 17, 2008

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REMARKS

Status of the Claims

Claims 1-98 are currently pending in the application. Claims 1, 17, 33, 46, 50, 59, 63, 75, 79, 90, and 94 have been amended. No new matter has been added by the amendments. No claims have been added or cancelled. Therefore, claims 1-98 are present for examination. Claims 1, 17, 33, 50, 67, and 83 are independent claims. Applicant respectfully requests reconsideration of this application as amended.

Claim Objections

Claims 45, 59, 63, 75, 79, 90, and 94 have been objected to because of the following informalities: claim 46, line 2, substitute "it authorizes" with "authorization"; claim 59, line 3, substitute "capable of" with "configured for"; claim 63, line 2, substitute "it authorizes with "authorization"; claim 75, line 3, substitute "capable of" with "configured for"; claim 79, line 2, substitute "it authorizes" with authorization; claim 90, line 3, substitute "capable of" with "configured for"; and claim 94, line 2, substitute "it authorizes" with "authorization". Claims 45, 59, 63, 75, 79, 90, and 94 have been amended accordingly, and the objection is now moot.

Double Patenting Rejection

The Office Action has provisionally rejected claims 1, 33, 50, 67, and 83 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 13, 23, 34, and 47 of U.S. Patent No. 7,108,174 B2.

A terminal disclaimer, in compliance with 37 CFR 1.321(c), is filed herewith to overcome the non-statutory obviousness-type double patenting rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejection Under 35 U.S.C. §102

Claims 1-2, 4-7, 13-18, 20-23, 29-36, 38-40, 42-43, 49-57, 59-60, 66-73, 75-76, 81-88, 90-91, and 97-98 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Patent No. 6,902,105 B2 issued to Koakutsu ("**Koakutsu**"). Applicants respectfully request reconsideration of the rejection because either the Examiner has failed to show a *prima facie*

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case of anticipation or the amendments overcome the rejection. Indeed, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." *See* MPEP §706.02, Original Eighth Edition, August, 2001, Latest Revision July 2008. And, Koakutsu simply does not teach each and every aspect of the claims.

The Office Action notes broad swaths of the Koakutsu reference (i.e., col. 11, line 31 – col. 12, line 64 and Figs. 5, 7, 13, and 16) to reject almost all the claims and claim limitations. Unfortunately, Applicants cannot determine the logic of the argument. Indeed, the particular teaching or associations between the cited art and the claim terms could not be found by the Applicant in the cited columns of the reference in many cases.

> "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 C.F.R. § 1.104(c)(2)

Applicant respectfully requests identification of the exact passages or terms in the reference that support the rejections. For example, the Examiner needs to specify what in Koakutsu is the equivalent to:

1. the merchant location;
2. the front end device;
3. the gateway;
4. the check processing service;
5. the electronic information;
6. the authorization component;
7. the check scanning device
8. the receiving component; and
9. the financial transaction processing service.

Indeed, by not citing something in Koakutsu that describes these components, the Examiner has failed to provide any cited art that describes the elements of the claims. Thus, the Examiner has failed to provide a *prima facie* case of anticipation. By understanding what the

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Examiner relates to these terms, Applicants will be better able to explain how very different the claims are from the cited art.

Claim 1:

Missing Limitation: "the front end device communicating electronic information about the scanned check from the merchant location to a gateway of a check processing service wherein the information about the scanned check includes an indicator indicative of the presence or absence of the auxiliary on-us field"

Claim 1 requires "the front end device communicating electronic information about the scanned check from the merchant location to a gateway of a check processing service wherein the information about the scanned check includes an indicator indicative of the presence or absence of the auxiliary on-us field." The Examiner states that Koakutsu teaches this limitation. *See Office Action*, p. 8. The relevant section of Koakutsu cited by the Examiner is as follows:

> An appropriate reading area is set (S603) by the reading area determination unit 206 according to the identified check size, and the scanning process setup command 60 with the reading area specified using function code fn=41 is sent by the command transmission unit 208 to the check processing apparatus 110 (S604). The host computer 200 can set the reading area to the same size as the check, or to a smaller area removing white space from the area of the check size.

> It will thus be appreciated that the present invention can reduce the image reading time and size of the captured image data by scanning and reading check image data only from specified reading areas and then extracting image data from within specified cropping areas. The size of the image data can then be further reduced by digitizing (binarizing) and compressing the image data.

> Although the present invention has been described in connection with the preferred embodiments thereof with reference to the accompanying drawings, it is to be noted that various changes and modifications will be apparent to those skilled in the art. For example, the reading and cropping areas are set to the required areas for check processing in the preferred embodiments described above, but the areas that are not needed for such processing could be alternatively set, e.g. visible watermarks on negotiable instruments may be a key area that must be scanned for authentication. Furthermore, the reading and cropping areas are set according to control commands from a host computer, but they could be set with switches and keys on the check processing apparatus. The scanner could also be a self-drive type and scanner output could be color, gray scale data, or two-value data. Such changes and modifications are to be understood as included within the

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scope of the present invention as defined by the appended claims, unless they depart therefrom. *Koakutsu*, col. 12, lines 30-64.

There is no mention in the cited section of communication electronic information between a merchant location and a check processing service. Indeed, all of the functions described in Koakutsu are executed within a single apparatus – the check processing apparatus. There is no reasonable interpretation of Koakutsu that would provide a description of communication information between two devices, much less, two locations. If the Examiner believes that the Applicants are incorrect, Applicants respectfully request the Examiner to specifically point out what is the merchant location, the check processing service, the gateway, the front end device, the authorization component, and the electronic information. As such, Koakutsu fails to describe at least this claim element. Therefore, for at least this reason, claim 1 is allowable over Koakutsu.

Claim 1:

Missing Limitation: "determining with the check processing service at the check processing service, whether to process the information about the scanned check electronically as a corporate check or a non-corporate check based at least partly on the auxiliary on-us field indicator"

Claim 1 requires "determining with the check processing service at the check processing service, whether to process the information about the scanned check electronically as a corporate check or a non-corporate check based at least partly on the auxiliary on us field indicator." The Examiner again avers that Koakutsu teaches this limitation. *See Office Action*, p. 8. The relevant section of Koakutsu cited by the Examiner is as follows:

> FIG. 16 is a flow chart of the control steps in a reading area setting process executed by the host computer 200 (FIG. 7). The receiving unit 202 of the host computer receives the data from the magnetic ink characters on the check (S601) read during the MICR process (S506) executed by the check processing apparatus 110. Based on the received read data, the host computer determines whether a check is valid or not and the size determination unit 204 specifies the check size (S602). There are two basic types of checks, personal and business, which differ primarily in size. The format of the MICR data preprinted on the checks is also standardized, and consists of several defined fields. Whether a check is a personal or business check can be determined by the size determination unit 204 by detecting the presence of a specific field (known as the "Auxiliary On Us Field"). If this field is present, the check is a business check; if not, the check is a personal

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check. An appropriate reading area is set (S603) by the reading area determination unit 206 according to the identified check size, and the scanning process setup command 60 with the reading area specified using function code fn=41 is sent by the command transmission unit 208 to the check processing apparatus 110 (S604). The host computer 200 can set the reading area to the same size as the check, or to a smaller area removing white space from the area of the check size.

It will thus be appreciated that the present invention can reduce the image reading time and size of the captured image data by scanning and reading check image data only from specified reading areas and then extracting image data from within specified cropping areas. The size of the image data can then be further reduced by digitizing (binarizing) and compressing the image data. *Koakutsu*, col. 12, lines 14-45.

There is no mention of processing the information for the scanned check. Indeed, Koakutsu makes no mention of completing a financial transaction using information from the scanned check. The only information mentioned in Koakutsu (the "Auxiliary On Us Field" information) is used to determine how large the scanned image of the check should be (i.e., larger images for corporate checks). As such, Koakutsu fails to teach this claim limitation, and claim 1 is allowable over Koakutsu for at least this reason.

Claims 2-16:

Claims 2-16 depend, either directly or indirectly, from allowable claim 1. Therefore, claims 2-16 are allowable over the cited art based, at least in part, on this dependence.

Claim 17:

Claim 17 includes similar limitations to claim 1. The Examiner has examined claim 17 in conjunction with claim 1. Therefore, for the same or similar reasons as those given for claim 1, claim 17 is also allowable over the cited art.

Claims 18-32:

Claims 18-32 depend, either directly or indirectly, from allowable claim 17. Therefore, claims 18-32 are allowable over the cited art based, at least in part, on this dependence.

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Claim 33:

Claim 33 includes similar limitations to claim 1. The Examiner has examined claim 33 in conjunction with claim 1. Therefore, for the same or similar reasons as those given for claim 1, claim 33 is also allowable over the cited art.

Claims 34-49:

Claims 34-49 depend, either directly or indirectly, from allowable claim 33. Therefore, claims 34-49 are allowable over the cited art based, at least in part, on this dependence.

Claim 50:

Claim 50 includes similar limitations to claim 1. The Examiner has examined claim 50 in conjunction with claim 1. Therefore, for the same or similar reasons as those given for claim 1, claim 50 is also allowable over the cited art.

Claims 51-66:

Claims 51-66 depend, either directly or indirectly, from allowable claim 50. Therefore, claims 51-66 are allowable over the cited art based, at least in part, on this dependence.

Claim 67:

Claim 67 includes similar limitations to claim 1. The Examiner has examined claim 67 in conjunction with claim 1. Therefore, for the same or similar reasons as those given for claim 1, claim 67 is also allowable over the cited art.

Claims 68-82:

Claims 68-82 depend, either directly or indirectly, from allowable claim 67. Therefore, claims 68-82 are allowable over the cited art based, at least in part, on this dependence.

Claim 83:

Claim 83 includes similar limitations to claim 1. The Examiner has examined claim 83 in conjunction with claim 1. Therefore, for the same or similar reasons as those given for claim 1, claim 83 is also allowable over the cited art.

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<u>Claims 84-98:</u>

Claims 84-98 depend, either directly or indirectly, from allowable claim 83. Therefore, claims 84-98 are allowable over the cited art based, at least in part, on this dependence.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed herein. Rather, Applicants believe that the amendments and argument presented herein overcome all rejections.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Tadd F. Wilson
Reg. No. 54,544

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
TFW:slb
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